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USIB-D-39.5/12
3 November 1961

UNITED STATES INTELLIGENCE BOARD

MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

SUBJECT : U. S. Policy Regarding Release of Intelligence
to Contractors

REFERENCES : a. USIB-M-179, 19 October 1961, Item 6
b. USIB-D-39.5/11, 6 October 1961
c. USIB-D-39.5/2, Final, 10 November 1959
d. USIB-M-158, 7 June 1961, item 5
e. USIB-M-150, 11 April 1961, item 11
f. USIB-M-107, 12 July 1960, item 4
g. USIB-M-79, 4 February 1960, item 11

Pursuant to the direction of the Intelligence Board the attached report has been developed by CODIB in coordination with the Security Committee. The Board will be asked to consider this report and the recommendations therein at an early date, probably at the same USIB meeting at which the proposed revision of DCID 11/2, "Control of Dissemination and Use of Intelligence and Intelligence Information", is discussed (USIB-D-9.3/2, 2 November 1961).

*USIB noted report and
approved recommendations
in para. 8
(USIB-M-201, 21 Feb 1962,
item 5)*



Executive Secretary

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Attachment
Distribution: Regular "D" plus 15 copies for Security Committee
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CODIB-D-42/8
2 November 1961

UNITED STATES INTELLIGENCE BOARD
COMMITTEE ON DOCUMENTATION

U. S. Policy Regarding Release of Intelligence
to Contractors

1. The attached report has been prepared by the USIB Committee on Documentation (CODIB) in response to the USIB charge (USIB-M-179, 19 Oct 61, para. 6) that the Committee study the matter of easing present limitations on release of intelligence materials to contractors, as proposed by Mr. Hilsman (USIB-D-39.5/11, 6 Oct 61).

2. The report has been coordinated with the USIB Security Committee (IBSEC), which concurs therein.

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Chairman
USIB Security Committee



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Paul A. Borel
Chairman
USIB Committee on Documentation



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UNITED STATES INTELLIGENCE BOARD
COMMITTEE ON DOCUMENTATION

2 November 1961

MEMORANDUM FOR: Chairman, United States Intelligence Board

SUBJECT: U. S. Policy Regarding Release of Intelligence to Contractors

REFERENCE: USIB-D-39.5/11, 6 October 1961

BACKGROUND

1. Mr. Hilsman proposed in referenced paper, re-examination of USIB policy on release of intelligence to contractors (USIB-D-39.5/2, 10 November 1959) with a view to liberalizing that policy. The Board at its 19 October meeting directed the Committee on Documentation (CODIB), in coordination with the Security Committee, to study this matter and submit recommendations to the Board (USIB-M-179, 19 Oct 61, para. 6). Relevant background discussion was included in the CODIB Second Annual Report, an excerpt of which is attached as TAB A.

2. Each CODIB member was asked to staff out a departmental position, attacking the problem in two parts: a) determining requirements for release

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to specifically identified contractors of selected NIEs or SNIEs, now prohibited from release per se by USIB policy; b) determining requirements or identifying problems in release of other specifically identifiable reports or report series, both finished intelligence and raw information reports, that would necessitate revision of the existing USIB policy document.

FINDINGS

3. Individual departmental responses are summarized in attached TAB B. In brief, release of selected NIEs and SNIEs is favored by CIA and Army, with specific contractors identified, and by State and AEC, without specific contractor identification; such release is opposed by Air Force. The remaining Community members had no NIE release requirements, but did not state specific opposition to such release under proper controls.

4. As to release of other materials, most of the Community does furnish selected documents to contractors for external research. Some (e.g. Navy, NSA) stated that they did not have sufficient release volume to warrant revising existing policy; others (including CIA and Air Force) would need additional time to examine the details of release requirements for their various contractors to identify problem areas, if any, other than those imposed by across-the-board control of the Foreign Service ; Army identified 11 organizations to whom it sends scientific and technical materials and to whom it would like to send more with less administrative difficulty.

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CONCLUSIONS

5. There is no clear-cut Community call for revision of USIB contractor release policy. The fact that interpretation or the administration of release policy has been, historically, a difficult problem is reflected in a) the events which established the need for developing USIB-D-39.5/2 in the first place; b) the continued difficulties after its establishment, as stated in each of the CODIB Annual Reports; c) and, in part, by the length of time it has taken to get agreement on a revision of DCID 11/2 ("Control of Dissemination and Use of Intelligence and Intelligence Information") - circulated to the USIB as USIB-D-9.3/2 of 2 November 1961.

6. Release of the information in an NIE or SNIE, without attribution thereto, on a strict need to know basis is possible under existing policy, as clarified in USIB-M-107, para. 4. Release of selected Top Secret material on an ad hoc basis is likewise possible, but there is support for liberalizing TS release procedures provided the material bears no control stamps. Another part of the problem, which requires further investigation, is the extent to which the blanket prohibition against release of such raw information reports as those mentioned in para. 4 above causes difficulties. Tied in with this latter problem has been the tendency to consider non-USIB governmental contributors to the NIS program as contractors and apply to them the same restrictions applicable to non-government organizations.

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7. The Security Committee, with whom this report has been coordinated, has no particular preferences on this subject, provided normal limitations and requirements as to physical security, personnel security clearances, need to know, and special channels materials would continue in effect. Approval of release to any given contractor can only be given, from a security standpoint, where a specific individual or organization has been identified and the necessary security clearance established.

RECOMMENDATIONS

8. It is recommended that:

- a. the USIB declare existing policy on release of NIEs and SNIEs to contractors as adequate to meet Community needs;
- b. Top Secret material release continue to be governed by existing policy, subject to review when USIB-D-39.5/2 is revised, to determine the feasibility of liberalizing release policy when no control stamps are applied;
- c. in keeping with the permissive as well as restrictive philosophy of both USIB-D-39.5/2 and the draft revision of DCID 11/2 now before the Board, the USIB request reconsideration by CIA and the State Department of the problems of protection of sources and methods, and protection of commercial proprietary or policy information by use of the appropriate control stamps on an ad hoc report basis;

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- d. the USIB declare the policy applying to release of intelligence to contractors as inappropriate with regard to non-USIB Government components (such as those contributing to the NIS), and agree that these organizations, when fulfilling an intelligence support role, may be treated as members of the Intelligence Community pursuant to footnote No. 2 to NSCID No. 1 (New Series), which reads:

"The intelligence community includes the Central Intelligence Agency; the intelligence components of the Departments of State, Defense, Army, Navy and Air Force, and of the Joint Staff (JCS); the Federal Bureau of Investigation; the Atomic Energy Commission; and the National Security Agency. Other components of the departments and agencies of the Government are included to the extent of their agreed participation in regularly established interdepartmental intelligence activities."

- e. the Committee on Documentation be directed to revise USIB-D-39.5/2 upon USIB acceptance of the revised DCID 11/2, to provide (1) for release of the information in NIEs and SNIEs as stipulated by the Board in USIB-M-107, para 4, (2) whatever other language changes are required to implement the revised DCID, (3) and a review of Top Secret release procedures.

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PAUL A. BOREL
Chairman

Attachments: TABS A & B

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TAB A

Excerpts from
Second Annual Report of the
USIB Committee on Documentation
(CODIB AR-2, 30 June 1960, pp. 5-7)

Release of Intelligence Information

Over the years developments have made intelligence organizations less independent. Not only is there greater interdependence among them, but each USIB agency has come to depend more on non-governmental resources. Whatever the reasons - personnel ceiling, inability to obtain or retain specialized talent, or a conscious effort to share the workload with private enterprise - the fact is that the intelligence community as never before depends on the research talent at the disposal of our universities and business. In many cases, this delegation of responsibility has taken place on the assumption that information at the disposal of the Government, and needed by the contractor to do the assigned job, would be made available to him.

Seldom is this needed information within the power of a single agency to release. Hence a major problem. 1/

This increased need by intelligence contractors was born during a period when security procedures were being tightened up. In the face of this, CODIB recommended, and the USIB approved, policies and procedures which freed considerable information of previous controls based on the concept that the intelligence agency originating the information was the only agency which could be trusted to monitor its release to a cleared contractor (USIB-D-39.5/2, 10 Nov 59).

These new policies have helped considerably, but not enough. The list of exceptions, that is, the list of items which cannot be released without permission

1/ Consider this excerpt from a recently prepared contract report:

The most important gap found in this intelligence analysis study was apparently the gap between the collection function and the evaluation function. Throughout the study there was a continual record of information being withheld or withdrawn . . . from the Contractors . . . It is believed that this is a most serious matter . . .

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from the originating agency, is extensive. All materials from any agency which is TOP SECRET, or specially controlled or marked may not be released without permission. In addition, CIA has restrictions on its current intelligence production and certain research reports series; the Joint Staff has restricted all of its intelligence materials; and the Department of State has restricted all materials originated or controlled by the Foreign Service or the Department, including NIS chapters for which State is responsible. 1/

Procedures in force for securing releases for these restricted materials are excessively cumbersome and time-consuming; and many requests for release are in any case eventually denied.

The result: the intelligence community is paying out impressive sums for research some of which is of questionable value because it is based on only a portion of the information available within the community. 2/

The cure: face up to the need for releasing more information and adopt procedures to make this possible, or, to modify the intelligence community's research facilities to enable them to do essential research now contracted out.

1/ The State Department controls much of the information sought for release. The Department's current position was outlined by Mr. Cumming in a memorandum for the USIB dated 1 July 1960, prepared pursuant to USIB-M-65, item 8, and concludes that:

. . . it appears impossible for the Department significantly to relax the restriction against the release of its materials incorporated in the Agreement, and requests from other agencies to release to their Contractors classified or administratively-controlled Departmental issuances, Foreign Service telegrams, and despatches must continue to be considered on a document by document basis in response to specific requests.

2/ Substantive justification of this research is another question altogether, and is a matter outside of CODIB's purview.

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TAB B

Individual Comments on Release to Contractor
Requirements Necessitating Revision of Release Policy

- ARMY : Would like to release selected NIEs and SNIEs to the Research Analysis Corporation (RAC). Preliminary check revealed 10 others for whom liberalization of release policy is desired to allow for dissemination of scientific and technical information: Ramo-Wooldridge; RCA; SORO-American University; Sylvania; North American Aviation; Aerojet; Bendix Corporation; Convair; Stanford Research Institute; and A. D. Little, Inc.
- NAVY : No requirement for NIE or SNIE releases. Volume of release requests for other excepted categories not sufficient to require policy revision; can live with ad hoc report clearance approach.
- AIR : Opposed to release of NIEs or SNIEs to contractors. Considerable amount of other material, particularly scientific and technical, is released to RAND, Battelle Memorial Institute and others. Further investigation required to identify all contractors and report series of interest and to identify problems. Blanket use of control stamps does pose administrative clearance problems.
- STATE : Mr. Hilsman's suggestion is for a new view on releasability to "selected responsible outside groups". Technically, State utilizes consultants, not contractors, and IDA and RAND were mentioned as illustrative examples only. Would want to release selected NIEs and SNIEs, selected TS material, and provide for automatic release of certain State and CIA reports.
- NSA : Same comment as Navy's, adding that ad hoc clearances when requested do take an "inordinate" amount of time.
- CIA : Would like to release selected NIEs and SNIEs to RAND, CENIS, and possibly Columbia University (pending outcome of security clearances currently being sought). Also release other materials, particularly scientific and technical, to a number of outside groups,

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such as Syracuse University, Battelle, HRB Singer, Geophysics Corporation of America, etc. Again, blanket controls on report series cause administrative problems. Of particular concern is availability of information to non-USIB NIS contributors.

FBI : No release requirement necessitating policy revision. If NIEs are to be released, would want to pass judgment on ad hoc basis at USIB level.

AEC : Similar to State position - more use of consultants than contractors. No specific NIE or SNIE requirement but would like door left open for possible release on need to know basis. More interest in release of lower level intelligence on which national product is based. Further investigation required to identify specific organizations and report series and to determine problem areas, if any.

DOD
JCS
DIA } : No NIE or SNIE release requirement. No need to revise existing policy.

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